

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: January 25, 2006

Public Notice Number: PN2006-0002

Comment Period: January 26, 2006 - February 24, 2006

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty only after providing the person to be assessed the civil penalty with written notice and the opportunity to request a hearing and after providing interested persons with public notice of and reasonable opportunity to comment on the proposal to assess the penalty. In a Class II proceeding under Section 309(g)(2)(B), EPA may assess against a person an administrative civil penalty of up to \$137,500 for violations of the Clean Water Act occurring after January 31, 1997 and on or before March 15, 2004 and up to \$157,500 for violations occurring after March 15, 2004. Class II proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (the “Consolidated Rules”) at 40 C.F.R. Part 22 .

The procedure by which the public may submit comments on a proposal to assess a Class II civil penalty or participate in a Class II proceeding is set forth in the Consolidated Rules. The deadline for submitting comments on a proposal to assess a Class II civil penalty is thirty (30) days after the issuance of public notice.

Pursuant to Section 309(g), EPA hereby provides public notice of the following proposal to assess a Class II civil penalty:

In the Matter of the City of Holyoke, Massachusetts

Name and Mailing Address of Respondent:

The City of Holyoke, Massachusetts
City Hall
536 Dwight Street
Holyoke, MA 01040

Description of Business or Activity Conducted by the Respondent:

Municipal waste water collection and treatment

Description of Violations Alleged in Complaint:

Discharge of combined sewage in violation of NPDES permit and Section 301 of the Clean Water Act

Proposed Settlement Penalty: Class II statutory maximum.

Name of Case:

In the Matter of the City of Holyoke, Massachusetts.

Docket Number: CWA-01-2006-0004

Date Filed with Regional Hearing Clerk: October 14, 2005

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda Rivera, Regional Hearing Clerk, U.S. Environmental Protection Agency Region I,
One Congress Street, Suite 1100 RCA, Boston, MA 02114-2023; (617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, review the complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located at U.S. Environmental Protection Agency Region I, One Congress Street, Suite 1100, Boston, Massachusetts, and the record will be open for public inspection during normal business hours.